

REMARKS

This Amendment/Submission responds to the Office Action of December 5, 2001, in accordance with 37 C.F.R. § 1.111.

A Petition for a three-month extension of time with a check for the Official Fee accompanies this amendment. The applicant's assignee, Homerange AB, claims small entity status.

Claims 1 through 5 are pending in the application. Claims 1 through 5 are cancelled and claims 6 through 11 are added by this amendment. Claims 6 through 11 are directed to the device and are supported by the original claims and the specification.

1. Objection to Drawings

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a) stating that the drawings must show every feature of the subject matter of claims 3, 4, and 5. The applicant requests reconsideration of this objection.

Claims 3, 4, and 5 are replaced by claims 8, 9, and 10 and recite separate and desirable embodiments of structures for affixing the ball to the rigid line. The applicant believes that these embodiments are understood by their description in the specification and a detailed illustration is not essential for a proper understanding of these aspects of the invention. The "graphical drawing symbol" or "labeled representation" of the applicant's "ball 1" in Figure 1 is believed to be sufficient to satisfy the requirements of 37 C.F.R. § 1.83. Removal of this objection is requested.

2. Rejection of Claims 1 Through 5 Under 35 U.S.C. § 112

The Examiner rejects claims 1 through 5 under 35 U.S.C. § 112, second paragraph, stating that claims 1 through 5 are indefinite and vague because of the term "characterized" and that claim 1 appears to be inaccurate. Claims 1 through 5 are cancelled and new claims 6 through 11 are presented to address the Examiner's comments.

The term "characterized" is not present in the new claims. Therefore, this portion of the Examiner's rejection is believed to be moot.

The applicant's specification recites the term "substantially rigid line" on page 2 at lines 31 and 32. The paragraph containing these lines explains the differences between the applicant's two lines. The applicant's "substantially rigid line" is in contrast to the applicant's "crossing elastic line, or rubber line." In other words, the substantially rigid line is understood not to be a particularly elastic line. This description as a whole renders the term "substantially rigid line" an accurate term that is understood by one of ordinary skill in the art. Reconsideration and removal of this portion of the rejection is requested.

3. Rejection of Claims 1 Through 5 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 through 5 under 35 U.S.C. § 103(a) as obvious over British Patent Specification Number 401,955 to Deane in view of U.S. Patent Number 3,122,369 to Windall. The applicant traverses this rejection and requests reconsideration.

The Examiner rejects claim 1 relying on the Deane patent specification for a disclosure all of the elements of claim 1 except for "the use of indicia placed on the tether." The Examiner relies on the Windall patent to make up for this deficiency and argues that "it would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the indicia of Windall with the apparatus of Deane in order to reduce the manufacturing cost and reduce the number of sub-components of the apparatus."

The applicant explains the object of his invention in the paragraph beginning on page 1 of the specification at line 34. The applicant explains in this paragraph on page 2 at lines 8 and 9 that the invention trains a golf player as to which type of club is to be used. This object is repeated in original claim 1 on page 6 at lines 22 through 24 and in the abstract on page 8 at line 20. The applicant achieves this objective by combining his "ring 6" with the claimed indicia of "A through C." (See application on page 5 at lines 11 through 17.) This combination of claimed indicia enables a golf player to learn the proper use of a "driver club" or an "iron club." (See application on page 3 at lines 13 through 22.)

A golf player using the applicant's invention chooses a club type before striking the ball. The invention permits the golf player to make the necessary adjustment of the ring to the indicia "A through C" for the chosen club type. The golf player before striking the ball must decide the type of club to be used as follows.

A golf player using a driver moves the ball of the invention a longer distance from the resilient line 7. In this manner, the transverse, elastic line 7 extends over the marking on the rigid line 3 for driver clubs. A golf player using an iron club moves the ball nearer to the resilient line 7. The golf player sets the rigid line 3 in the position wherein the transverse, resilient line 7 extends over the marked section on the rigid line 3, which is nearer the ball and is for iron clubs. The adjustments for different types of clubs is very easy to make because of the metal ring and the indicia for the type of club the golf player chooses to use during training. The invention provides the golf player with a direct indication of a good or a bad strike by any type of club because only good strikes return the ball to the tee or original position.

Neither the Deane patent specification nor Windall patent disclose or suggest the applicant's claimed ring and indicia for club types. The indicia of these two citations is solely directed to approximations of distance once a ball is hit. For example, the "tape 11" of the Deane patent specification is a separate element and "may be associated with means for indicia the apparent length of drive." (See Deane patent specification on page 3 at lines 99 through 101.) The Windall patent uses markings to "interpolate the forward distance of the drive by noting whether the indicator is at point 16, 17, 18, or 19 which are theoretical one hundred yard marker points." (See Windall patent in column 2 at lines 31 through 34.) Therefore, the Examiner's combined citations do not render the applicant's claim 1 obvious. This rejection should be withdrawn.

The Examiner rejects claim 2 stating that "[n]o criticality is granted for the dimensions cited." The applicant requests reconsideration of this rejection because the dimensions recited in original claim 2 teach the preferred embodiment of the indicia claimed by the applicant. This indicia as explained above provides the applicant's invention with the structure to train a

golf player to use various types of clubs. The Examiner's cited art does not disclose or suggest the indicia of claim 2 as it depends from claim 1. This rejection should be withdrawn.

The Examiner rejects claims 3 through 5 under 35 U.S.C. § 103(a) as being unpatentable over the prior art cited in view of Official Notice that attachment of balls and tethers are well known in the art. The applicant requests reconsideration of this rejection because the applicant notes the importance of safety for golf training devices. (See application on page 1 at lines 25 through 28.) The cited art uses unsafe fastening means for the respective inventions. The Deane patent specification discloses the use of a "staple 4." (See Deane patent specification on page 3 at line 33.) The Windall patent discloses the use of a "U brad 14." (See Windall patent in column 1 at line 47.) These fastening means readily slip from a golf ball that has been repeatedly hit.

The applicant discloses and claims three very desirable and secure structures for securing a ball to a rigid line. The applicant discusses these structures at length in his specification on page 4 at lines 11 through 27. Each of these structures provides the unexpected result of securing a golf ball to a rigid line and remaining secure through long and repeated use. The Examiner's citations of art do not disclose or suggest these structures. This rejection should be withdrawn.

4. Conclusion

The applicant's claimed device are not disclosed or suggested by the Examiner's cited art. In view of the foregoing, allowance of the claims of this application is earnestly solicited.

Respectfully submitted,

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